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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,139	11/20/2003	Paul David Zarn	9047.25USU1	9087

23552 7590 07/19/2004

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EXAMINER

OLSON, LARS A

ART UNIT PAPER NUMBER

3617

DATE MAILED: 07/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/718,139

Applicant(s)

ZARN ET AL.

Examiner

Lars A Olson

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10, 15, 16, 18 and 22-26 is/are rejected.
- 7) ☒ Claim(s) 11-14, 17 and 19-21 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Tweet (US 5,743,204).

Tweet discloses the same boat as claimed, as shown in Figures 1-8, that is comprised of a side of said boat having a gunwale extrusion, defined as Part #34 in Figure 3, a weatherboard, defined as Part #12, that is connected to said extrusion, a freeboard, defined as Part #14, that is connected to said extrusion, and a groove in said extrusion, as shown in Figure 3, that extends along a substantial length of said side of said boat.

3. Claims 22-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Vadney (US 5,839,388).

Vadney discloses the same method for fastening a cover to a boat, as shown in Figures 1-8, where said boat includes a side defining a groove, as shown in Figure 1, said method being comprised of the steps of sliding a fastener, defined as Parts #30 and 31, along said groove, defined as Part #19, to a desired position, expanding said fastener to fix said fastener at said desired position, as shown in Figure 2, and fastening

a cover, defined as Part #11, to said fastener, as shown in Figure 2. Said fastener is further comprised of a fastening member, defined as Part #31, and an expandable anchor, defined as Part #30. Said fastening member is screwed into said anchor, as shown in Figure 2, in order to expand said anchor and fix said fastener at a desired position. Said fastening member can also be unscrewed from said anchor in order to loosen said fastener so that it may be relocated along said groove to another desired position.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vadney in view of Taylor (US 2,732,877).

Vadney discloses a cover fastening system for a boat, as shown in Figures 1-8, that is comprised of a groove, defined as Part #19, that is defined along a side of said boat, a plurality of expandable anchors, defined as Part #30, that are positionable anywhere within said groove, and a plurality of fastening members, defined as Part #31, where each fastening member is further comprised of a threaded portion, defined as Part #36 in Figure 3, and a snap portion, defined as Part #39, said threaded portion is screwed within a respective anchor, as shown in Figure 2, to expand and fix said anchor

at a desired position along said groove, and said snap portion is adapted to engage a corresponding snap, defined as Part #14, of a boat top, defined as Part #11. Said expandable anchors are further comprised of a threaded cavity, defined as Part #33 in Figure 5, into which said threaded portion of said fastening member is screwed in order to expand said anchor and fix it in a desired position, as shown in Figure 2. Each of said anchors also has an expanded state in which said anchor is fixed in a desired position within said groove, as shown in Figure 2, an unexpanded state in which said anchor is slidable along said groove to any desired position, and indentations that cooperate with fingers, defined as Parts #25 and 26, of said groove in order to hold said anchor in place within said groove.

Vadney, as set forth above, discloses all of the features claimed except for the use of a boat cover that is fastenable with snaps along the sides of a boat.

Taylor discloses a boat cover, as shown in Figures 1-6, where said boat cover, defined as Part #10, fits over the entire length and breadth of a boat, as shown in Figure 1, and is secured in place over said boat by means of female snap fasteners, defined as Part #15, that cooperate with male snap fasteners, defined as Part #16, that are mounted to the sides of said boat, as shown in Figure 5.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a boat cover that is secured with snaps over the entire top of a boat, as taught by Taylor, in combination with the cover fastening system as disclosed by Vadney for the purpose of providing an adjustable fastening means mounted on the sides of a boat for securing a boat cover with snap fasteners.

6. Claims 8-10, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor in view of Vadney.

Taylor discloses a boat with a cover fastening system, as shown in Figures 1-6, that includes a boat hull or body with first and second sides, as shown in Figures 1 and 2, and a plurality of fastening members, defined as Part #16, that are positioned on the sides of said boat in order to engage corresponding mounting structure in the form of snap fasteners, defined as Part #16, of a boat cover, defined as Part #10.

Taylor, as set forth above, discloses all of the features claimed except for the use of a groove defined along a side of a boat, a plurality of expandable anchors that are positionable within said groove, and a plurality of fastening members that are received within said expandable anchors in order to fix said anchors in a desired position, and engage corresponding mounting structure of a boat cover.

Vadney discloses a cover fastening system for a boat, as shown in Figures 1-8, that is comprised of a groove, defined as Part #19, that is defined along a side of said boat, a plurality of expandable anchors, defined as Part #30, that are positionable anywhere within said groove, and a plurality of fastening members, defined as Part #31, where each fastening member is further comprised of a threaded portion, defined as Part #36 in Figure 3, and a snap portion, defined as Part #39, said threaded portion is screwed within a respective anchor, as shown in Figure 2, to expand and fix said anchor at a desired position along said groove, and said snap portion is adapted to engage a corresponding snap, defined as Part #14, of a boat top, defined as Part #11. Said expandable anchors are further comprised of a threaded cavity, defined as Part #33 in

Figure 5, into which said threaded portion of said fastening member is screwed in order to expand said anchor and fix it in a desired position, as shown in Figure 2. Each of said anchors also has an expanded state in which said anchor is fixed in a desired position within said groove, as shown in Figure 2, an unexpanded state in which said anchor is slidable along said groove to any desired position, and indentations that cooperate with fingers, defined as Parts #25 and 26, of said groove in order to hold said anchor in place within said groove.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention, to utilize a cover fastening system as taught by Vadney in combination with the boat and cover fastening system as disclosed by Taylor for the purpose of providing an adjustable fastening means mounted on the sides of a boat for securing a boat cover with snap fasteners.

#### ***Allowable Subject Matter***

7. Claims 11-14, 17 and 19-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zirkelbach et al. (US 5,189,980 and US 4,993,351) discloses an

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adjustable snap fastening means for a boat top. McGee (US 2,961,725) discloses a snap fastening device for a boat top.

9. Any inquiry concerning this communication with the examiner should be directed to Exr. Lars Olson whose telephone number is (703) 308-9807.

lo

July 12, 2004

LARS A. OLSON  
PATENT EXAMINER

*Lars Olson*  
7/12/04